

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**WILLIAM STAPLES also known as
ROBIN BOOKER,**

**Case No. 10-C-922
(USCA No. 10-3479);
Case No. 10-C-923
(USCA No. 10-3480);
Case No. 10-C-924
(USCA No. 10-3482);
Case No. 10-C-925
(USCA No. 10-3483);
Case No. 10-C-926
(USCA No. 10-3484);
Criminal Case No. 05-Cr-90**

Movant.

DECISION AND ORDER

Movant William Staples (“Staples”) has filed a letter requesting that the record on appeal in each of the above-listed actions include the following three documents filed in the underlying criminal action against him: the plea agreement; the sentencing transcript; and the indictment. The Court construes Staples’s request as motions to expand the record pursuant to Federal Rule of Appellate Procedure 10(e).

“The appellate stage of the litigation process is not the place to introduce new evidentiary materials.” *Berwick Grain Co., Inc. v. Ill. Dep’t of Agric.*, 116 F.3d 231, 234 (7th Cir. 1997) (citing *Liao v. Tenn. Valley Auth.*, 867 F.2d 1366, 1370 (11th Cir. 1989) [Rule 10(e) “contemplates correction of a record to reflect what occurred below; it does not permit a new

or different record to be created.”]). *See also, United States v. Elizalde-Adame*, 262 F.3d 637, 640-41 (7th Cir. 2001). While the documents were part of Staples’s criminal action, none were a part of the actions listed above. Therefore, Staples’s motions to expand the record in the above-listed actions are denied.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Staples’s motions to expand the record in the above-listed actions are **DENIED**.

Dated at Milwaukee, Wisconsin this 9th day of November, 2010.

BY THE COURT

s/ Rudolph T. Randa

Hon. Rudolph T. Randa

U.S. District Judge